

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TRAZZ SAWYER,

Plaintiff,

-v-

9:14-CV-1198
(DNH/DEP)

ALBERT PRACK; D. PHELIX; D. RICHARDS;
S. LANGDON, JOHN DOE #1-3;

Defendants.

APPEARANCES:

OF COUNSEL:

TRAZZ SAWYER
Plaintiff, *Pro Se*
97-B-2413
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Albion, NY 14411

HON. ERIC T. SCHNEIDERMAN
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Attorneys for Defendant James Thomsen
The Capitol
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KEVIN M. HAYDEN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Trazz Sawyer brought this civil rights action pursuant to 42 U.S.C. § 1983. On July 29, 2016, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that defendant's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 be granted in part and denied in part. See ECF No. 40. Plaintiff has filed timely objections. See ECF No. 41.

Based upon a de novo review of the portions of the Report- Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

(1) Defendants' motion for summary judgment (ECF No. 35) is **GRANTED** in part and **DENIED** in part;

(2) Plaintiff's due process claim asserted against defendants Phelix and Prack is **DISMISSED WITH PREJUDICE**;

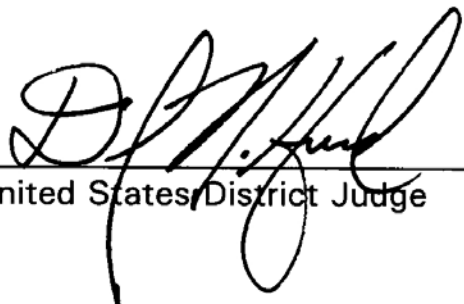
(3) Plaintiff's excessive force claims asserted against the John Doe defendants are **DISMISSED WITH PREJUDICE**;

(4) Defendants' motion with regards to plaintiff's excessive force claims against defendants Richards and Langdon is **DENIED** and such claims remain;

(5) Defendants Phelix, Prack, John Doe #1, John Doe #2 and John Doe #3 are **DISMISSED** from this action; and

(6) The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: September 28, 2016
Utica, New York